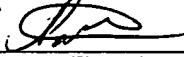




Atty. Dkt. No. 071949-6804
JF (4)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Buechler et al.
Title: MARKERS FOR DIFFERENTIAL
DIAGNOSIS AND METHODS OF
USE THEREOF
Appl. No.: 10/603,891
Filing Date: 06/24/2003
Examiner: Unknown
Art Unit: 1641

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
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 (Signature)	
<u>September 1, 2005</u> (Date of Deposit)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English. The documents were cited by the Examiner on a PTO-892 in related application No. 10/331,127, filed December 27, 2002.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 9/1/05

By Barry Wilson

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Facsimile: (858) 792-6773

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431

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Substitute for form 1449 PTO E INFORMATION DISCLOSURE STATEMENT BY APPLICANT FAPR 06 2005 (use as many sheets as necessary)		Complete if Known	
Sheet	1	Application Number	10/603,891
		Filing Date	06-24-2003
		First Named Inventor	Kenneth F. Buechler
		Group Art Unit	1641
		Examiner Name	
		Attorney Docket Number	071949-6804

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A1	Mitas et al., Quantitative real-time RT-PCR detection of breast cancer micrometastasis using a multigene marker panel. International Journal of cancer, 93: 162-171, 2001.	
	A2	"online" definition, Merriam Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=online , 2 pages	
	A3	"fluorometer" definition, Merriam Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=fluorometer&x=13&y=14 , 2 pages	
	A4	"portable" definition, Merriam Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=portable&x=20&y=16 , 2 pages	
	A5	"derive" definition, Merriam Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=derive , 2 pages	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Notice of References Cited	Application/Control No.	Applicant(s)/Patent Under Reexamination	
	10/331,127	ANDERBERG ET AL.	
	Examiner	Art Unit	Page 1 of 2
	Carolyn L. Smith	1631	

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*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-			
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S					
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NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)		
U	Mitas et al. "Quantitative Real-time RT-PCR Detection of Breast Cancer Micrometastasis Using a Multigene Marker Panel", 2001, International Journal of Cancer, Volume 93, pages 162-171.		
V	"online" definition, Merriam-Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=online , 2 pages.		
W	"fluorometer" definition, Merriam-Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=fluorometer&x=13&y=14 , 2 pages.		
X	"portable" definition, Merriam-Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=portable&x=20&y=16 , 2 pages.		

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

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Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination ANDERBERG ET AL.	
		Examiner Carolyn L. Smith	Art Unit 1631	Page 2 of 2

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
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	L	US-			
	M	US-			

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	S					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"derive" definition, Merriam-Webster online dictionary, 2005, on the world wide web at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=derive , 2 pages.
	V	
	W	
	X	

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